

**Senate Bill No. 496**

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Passed the Senate      May 8, 2003

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*Secretary of the Senate*

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Passed the Assembly      July 7, 2003

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2003, at \_\_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_\_

An act to add Chapter 8.6 (commencing with Section 13879.80) to Title 6 of Part 4 of the Penal Code, relating to drug endangered children.

## LEGISLATIVE COUNSEL'S DIGEST

SB 496, Alpert. Drug endangered children.

Existing law establishes a pilot program of technical and financial assistance for counties, entitled the California Drug Endangered Child Protection Act in the Office of Criminal Justice Planning. Existing law provides that counties implementing a drug endangered children program and receiving funds pursuant to the program shall establish multiagency drug endangered child response teams in cooperation with local, state, and federal law enforcement agencies, and the county departments of health and children's services to perform certain services, as specified, including response to cases involving a drug endangered child. Existing law also provides that district attorneys in counties receiving funds under this chapter shall concentrate enhanced prosecution efforts and resources upon individuals who endanger children through exposure to the clandestine manufacture of controlled substances.

This bill would encourage every law enforcement and social services agency in this state to, by January 1, 2005, develop, adopt, and implement written policies and standards for their response to narcotics crime scenes where a child is either immediately present or where there is evidence that a child lives. This bill would provide that these policies would reflect the fact that exposing a child to the manufacturing, trafficking, and use of narcotics is criminal conduct and that a response coordinated by law enforcement and social services agencies is essential to the child's health and welfare, as specified. This bill would also encourage communities to form multijurisdictional groups to develop standards and protocols that address specified issues with respect to law enforcement response to drug endangered children.



*The people of the State of California do enact as follows:*

SECTION 1. Chapter 8.6 (commencing with Section 13879.80) is added to Title 6 of Part 4 of the Penal Code, to read:

CHAPTER 8.6. LAW ENFORCEMENT RESPONSE TO DRUG  
ENDANGERED CHILDREN

13879.80. (a) Every law enforcement and social services agency in this state is encouraged to develop, adopt, and implement written policies and standards for their response to narcotics crime scenes where a child is either immediately present or where there is evidence that a child lives, by January 1, 2005. These policies shall reflect the fact that exposing a child to the manufacturing, trafficking, and use of narcotics is criminal conduct and that a response coordinated by law enforcement and social services agencies is essential to the child's health and welfare.

(b) The needs of a drug endangered child are best served with written policies encouraging the arrest of an individual for child endangerment where there is probable cause that an offense has been committed coordinated with an appropriate investigation of the child's welfare by child protective agencies. Protocols that encourage a dependency investigation contemporaneous with a law enforcement investigation at a narcotics crime scene, when appropriate, are consistent with a child's best interest.

13879.81. Communities are encouraged to form multijurisdictional groups that include law enforcement officers, prosecutors, public health professionals, and social workers to address the welfare of children endangered by parental drug use. These coordinated groups should develop standards and protocols, evidenced by memorandums of understanding, that address the following:

- (a) Felony and misdemeanor arrests.
- (b) Immediate response of protective social workers to a narcotics crime scene involving a child.
- (c) Outsourcing protective social workers to law enforcement.
- (d) Dependency investigations.
- (e) Forensic drug testing and interviewing.
- (f) Decontamination of a child found in a lab setting.



- (g) Medical examinations and developmental evaluations.
- (h) Creation of two hours of P.O.S.T. drug endangered children awareness training.



Approved \_\_\_\_\_, 2003

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*Governor*

